

PROB 12C
(7/93)

Report Date: February 5, 2013

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FEB 05 2013

SEAN F. McAVOY, CLERK
DEPUTY
RICHLAND, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: James E. Mulvaney

Case Number: 2:09CR00015-007

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: October 21, 2010

Original Offense: Conspiracy to Distribute 100 Kilograms or More of Marijuana,
21 U.S.C. §§ 846 and 841(a)(1), (b)(1)(B)(vii)Original Sentence: Prison - 18 Months; Type of Supervision: Supervised Release
TSR - 48 Months

Asst. U.S. Attorney: Russell E. Smoot

Date Supervision Commenced: March 15, 2012

Defense Attorney: Steven P. Frampton

Date Supervision Expires: March 14, 2016

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- 1 **Mandatory Condition #2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: According to the affidavit of facts regarding Spokane County case number 13-14297, Mr. Mulvaney was arrested for second degree burglary, attempted first degree trafficking stolen property, and second degree possession of stolen property on January 31, 2013. During an investigation by officers, it was discovered that Mr. Mulvaney had taken copper wire from International Line Builders, and he tried to sell the wire to Action Recycling on January 14, 2013. On January 16, 2013, Mr. Mulvaney was arrested after he fled from a stolen van, which contained copper wire that was taken from Kaiser Aluminum's property. At the time of this writing, charges have not been filed.

- 2 **Standard Condition #11:** The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.

Supporting Evidence: According to Spokane police report number 13-014397, Mr. Mulvaney was questioned by officers while trying to sell copper wire to Action Recycling on January 14, 2013. As of the date of this report, Mr. Mulvaney has failed to notify the undersigned officer of his contact with law enforcement.

Prob12C

Re: Mulvaney, James E.

February 5, 2013

Page 2

3 **Special Condition #16:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Mulvaney failed to abstain from the use of illegal controlled substances. On January 22, 2013, Mr. Mulvaney submitted a urine sample that field-tested positive for methamphetamine. Mr. Mulvaney denied any use, and the sample was sent to Alere Toxicology, Inc. for confirmation. The sample was returned on February 1, 2013, and confirmed positive results for amphetamine and methamphetamine.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the offender to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

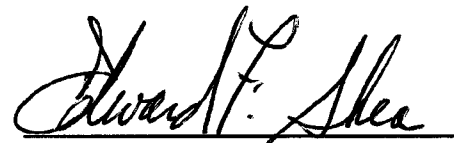
Executed on: 02/05/2013

s/Patrick J. Dennis

Patrick J Dennis
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

2/5/13

Date